

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:07-HC-2092-H

VICTOR CARRAFA, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
A. F. BEELER, Warden, )  
 )  
Respondent. )


**ORDER**

Victor Carrafa, an inmate at the Federal Medical Center in Butner, North Carolina (FMC-Butner), filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter is before the court for a preliminary review under 28 U.S.C. § 2243.

Plaintiff states that his partial dentures were taken during a cell search when he was housed at a United States Penitentiary in Leavenworth, Kansas (Leavenworth) in November 2003. He attempted to obtain new dentures at Leavenworth, and subsequently, at the United States Penitentiary in Marion, Illinois (Marion), without success. Petitioner was seen by the dentist at FMC-Butner in February 2007 and impressions were made of his gums, but he has yet to receive any dentures.

Petitioner's claim, challenging the delay in medical care, is not properly before the court. Federal inmates alleging such claims must bring them as an action under Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1981). For this reason, this petition for a writ of habeas corpus is DISMISSED. The Clerk is DIRECTED to provide Petitioner with forms to file a Bivens action.

SO ORDERED this 11<sup>th</sup> day of July 2007.

  
MALCOLM J. HOWARD  
Senior United States District Judge

nem